

**Notice of Allowability**

Application No.

09/019,441

Applicant(s)

REFF ET AL.

Examiner

Art Unit

Phuong Huynh

1644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/28/04.
2. ☒ The allowed claim(s) is/are 42-59 and 61-69.
3. ☒ The drawings filed on 2/5/98 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 6/5/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 6/28/04
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Julie Neigs on June 28, 2004.
3. **In the claims:**
  1. Claim 42, line 4, "48" has been changed to -- 58 --
  2. Claim 43, line 1, -- chimeric -- has been inserted after "The"
  3. Claim 44, line 1, -- chimeric -- has been inserted after "The"
  4. Claim 45, line 1, -- chimeric -- has been inserted after "the"
  5. Claim 46, line 1, -- chimeric -- has been inserted after "the"
  6. Claim 47, line 1, -- chimeric -- has been inserted after "the"
  7. Claim 48, line 4, "nucleotides 58-411 of" has been deleted.
  8. Claim 49, line 6, "4" has been deleted.
  9. Claim 49, line 6, -- and the constant region is a human constant region selected from  
the group consisting of a human gamma-1 constant region and a human gamma-3 constant  
region -- has been inserted after "codon".
  10. Claim 50, line 1, -- chimeric -- has been inserted after "The"
  11. Claim 51, line 1, -- chimeric -- has been inserted after "The"
  12. Claim 52, line 1, -- chimeric -- has been inserted after "The"
  13. Claim 53, line 1, -- chimeric -- has been inserted after "The"
  14. Claim 54, line 1, -- chimeric -- has been inserted after "the"

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15. Claim 55, line 1, -- chimeric -- has been inserted after "the"
  16. Claim 56, line 1, -- chimeric -- has been inserted after "the"
  17. Claim 57, line 1, -- chimeric -- has been inserted after "the"
  18. Claim 58, line 1, -- chimeric -- has been inserted after "the"
  19. Claim 59, line 1, -- chimeric -- has been inserted after "the"
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4. Claims 42-59 and 61-69 are pending and are allowed.
  5. Enclosed please find a corrected copy of 892 (mailed 10/22/02, Part of paper No. 37) that the reference U was incompletely filled out. The patent 6,011,138 will not be supplied because it is issued from the parent 08/803,085.
  6. Please note that the box 12 a(1) on PTO 326 mailed 1/16/04 was inadvertently checked. There should be no claim to foreign priority for instant case.
  7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong Huynh "NEON" whose telephone number is (571) 272-0846. The examiner can normally be reached Monday through Friday from 9:00 am to 5:30 p.m. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (571) 272-0841. The IFW official Fax number is (703) 872-9306.
  8. Any information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuong N. Huynh, Ph.D.

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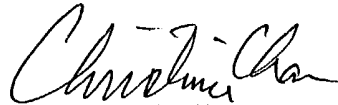
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Patent Examiner

Technology Center 1600

June 30, 2004

A handwritten signature in black ink, appearing to read 'Christina Chan', with a stylized flourish at the end.

CHRISTINA CHAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600